



Staff Report To the Board of Supervisors

Applicant Property



CUP-13-02
Board of Supervisors Meeting
October 22, 2013

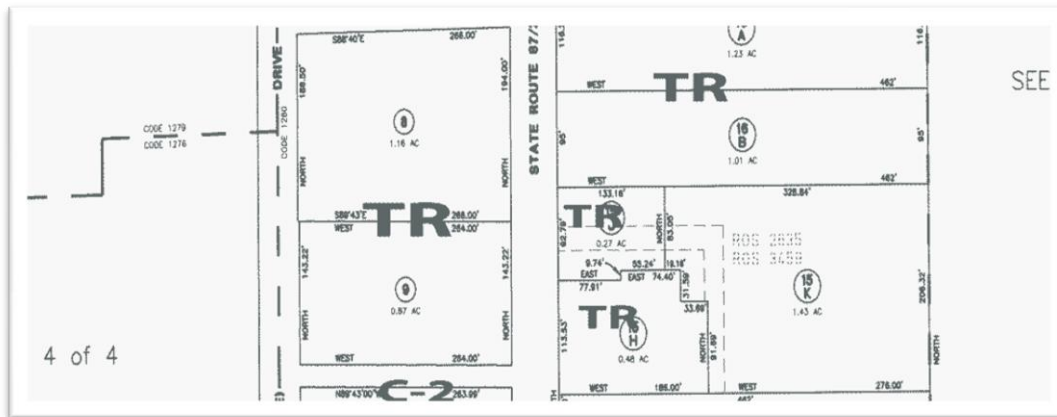
I APPLICATION

Applicant Name	Pine Creek Cabins
Applicant Address	HC1 Box 614, Strawberry, AZ 85544
Site Address	3885 N. Highway 87, Pine, AZ 85544
APN Number	301-20-15J
Current Zoning	TR – Transitional Residential Intent and Purpose: <ul style="list-style-type: none">a. To provide a degree of flexibility in land use in transitional areas where a mixture of residential and light commercial uses will be beneficial.b. To allow for certain mixed-use developments subject to an approved site plan, provided such developments shall be in harmony with, and will result in a minimum disruption to, surrounding uses.c. To create transitional zones to serve as buffers between residential districts and commercial or industrial districts.
Current Comprehensive Plan Designation	Multi-Functional Corridor: The Multi-Functional Corridor category denotes areas of the county that are located adjacent to a primary transportation route and where a mixture of land uses are desirable based upon the specific locational characteristics of use opportunities resulting from proximity to and visibility of a primary vehicular transportation corridor. The uses permitted in the Multi-Functional Corridor category are intended to respond to the unique opportunities, scale and functions that exist in the different areas of the county. Development in this category typically occurs on lots that are wide and shallow due to the linear nature of the adjacent transportation facilities. The potential negative impacts of a linear development pattern, if any, should be addressed through site planning, buffering and after design considerations. Additional uses permitted within the category shall include farming, ranching and those uses otherwise permitted by state statute.
Application Number	CUP-13-02

II Purpose & Description

The purpose of this application is to consider the allowance of sale of alcoholic beverages as part of the restaurant.

III Zoning Regulations



Zoning for the surrounding properties are Transitional Residential. The above map depicts the current zoning situation for the area.

The transitional residential zoning district allows a limited degree of commercial development. The primary purpose is to ensure that any use is compatible with adjacent residential uses.

TR zoning limits commercial development to no greater than 2500 square feet and limits hours of operation from 6AM to 11PM.

To the east of this property is some undeveloped residential zoned property.

IV Primary issue or issues to consider

There are several issues that should be looked at for compatibility:

- a. Noise: Playing music till 11 PM outside can be disturbing to residential properties
- b. Lighting: Lighting needs to occur in a manner that assures surrounding residential properties will not be adversely affected.
- c. Sale of alcoholic beverages in residential areas needs to have adequate controls so it does not become a nuisance to surrounding property owners.
- d. Dust from unpaved parking facilities can be a nuisance to surrounding properties.

V Background

In June of 2005 a conditional Use Permit was approved to operate a restaurant on this property. There were two conditions applied at that time:

1. Adequate parking shall be provided on site pursuant to Section 106.3 of the Gila County Zoning Ordinance, and
2. At any time the premises is the subject of a liquor or beer/wine license, this permit will immediately be referred to the Planning & Zoning Commission for appropriate action.

The purpose of this application is to address the second condition. This is a new application not a request to amend the current CUP.

VI Analysis

Residential development is very close to the side and rear property lines of this parcel. Because of this we should take appropriate action to include the following:

1. Limit the amount of dust that can be emitted into the air through customer traffic.
2. Sales of alcoholic beverages should be limited to patrons who come for meals and not allow the establishment of a bar for drinking customers only.



Residential Property to the immediate south that is zoned TR



Pine Community Center is directly across the street

Current Parking Facilities



VII Summary

The issuance of this Conditional Use Permit is not a guarantee that the applicant will be able to obtain a liquor license. Directly across the street is the Community Center on land owned by the Pine School District. While this land is not a school there is a school adjacent to this parcel on the west. The recreation field and school are just outside the 300 foot limit referred to in the following Arizona Revised Statutes (§4-207).

4-207. Restrictions on licensing premises near school or church buildings; definitions

- A. A retailer's license shall not be issued for any premises which are, at the time the license [application](#) is received by the director, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building. This section does not prohibit the renewal of a valid license issued pursuant to this title if, on the date that the original application for the license is filed, the premises were not within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building.

There is also another restaurant located immediately south of the Community Center that does not serve alcoholic beverages. This restaurant is within 300 feet of the school recreation field.

VIII Recommendation

Staff would recommend that the Planning and Zoning Commission recommend approval of this application to the Board of Supervisors with the following conditions:

1. The parking facilities will be paved to decrease road dust.
2. All outdoor lighting shall be shielded from adjoining residential uses.

3. The primary use of this property will be a restaurant and not a place for bar patrons only.
4. There will be no service of alcoholic beverages outside.

IX Planning and Zoning Commission Hearing

The Planning & Zoning Commission held a public hearing to consider an application to allow the sale of alcoholic beverages in the old Nifty 50s' Restaurant located on Highway 87 in Pine.

The Commission raised several issues during this hearing:

1. The Commission felt that to require the applicant to pave was not necessary. If the purpose here was to prevent dust then there were other options much less expensive.
2. That the property needed to become more productive part of the tax roles.
3. Even though the School is just over 300 feet and the property across the street is owned by the school district this won't stop them from obtaining a Liquor License.

Motion from Commission:

Lori Brown moved this application with the following conditions:

1. All outdoor lighting shall be shielded from adjoining residential uses.
2. The primary use of this property will be a restaurant and not a place for bar patrons only.
3. There will be no service of alcoholic beverages outside.